

## UPDATES TO INTERPRETATIVE GUIDE LICENSED CHILD CARE HOMES

The Interpretive Guidelines are intended to clarify compliance expectations for child care providers and for BCC staff. Items in this document **are highlighted** because they have been updated in the Licensed Child Care Home Interpretive Guidelines. Changes below are listed in page number order. All changes have been inserted into the full Licensed Child Care Home Interpretive Guidelines document posted on this website.

<b>UPDATE #1 – Page 11-12</b>
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■ **470 IAC 3-1.1-28 Initial licensure**

Authority: IC 12-13-5-3

Affected: IC 5-2-12; IC 12-17.2

○ Assessment Method:

The initial assessment of this rule is determined by review of documentation. The following documentation should be reviewed either prior to an on-site compliance visit or at the initial visit:

- Application
- Proof of orientation session attendance
- Attestation statement regarding convictions and arrest
- Medical statement
- If applicable, water test (good for 60 days prior to initial application received date)
- If applicable, statement from design professional
- If applicable, approval by the local fire inspector
- Verification of education (high school diploma or GED)

Following the document review, an on-site compliance visit shall be conducted prior to making a recommendation on the application.

▲ Threshold of Compliance:

The COFC shall thoroughly review the application and accompanying materials. The application is considered complete once the application, all of the attachments listed on the front of the application, and the results of the FBI fingerprints are received by the Bureau. The 60 days to process the completed application starts at that time. If the application is incomplete, written notification shall be made to the applicant of the incomplete or missing materials. Applicants will have 90 days to submit materials. If the materials are not received, the application is considered abandoned. The applicant should be noticed that their application is null and void due to being incomplete.

<b>UPDATE #2 – Page 12-13</b>
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■ **470 IAC 3-1.1-28.5 Annual inspection**

Authority: IC 12-13-5-3

Affected: IC 5-2-12; IC 12-17.2

○ Assessment Method:

An unannounced on-site inspection shall be conducted during the hours that the home operates to allow observation of the care of the children. The inspection checklist shall

be administered. Documentation of the following shall be observed to ensure annual updates:

- Tuberculin screenings
- Criminal history checks
- Sex abuse registry checks
- Notification of local fire departments, a verbal statement from the licensee is acceptable
- First aid, CPR, and Universal Precautions training
- Water test

BCC shall check the files of all new children since the last inspection and all children under the age of 3. All staff files shall be checked.

■ **470 IAC 3-1.1-29 Relicensure**

Authority: IC 12-13-5-3

Affected: IC 5-2-12; IC 12-17.2

○ Assessment Method:

The assessment of this rule is conducted by review of documentation. The following documentation should be reviewed either prior to the on-site compliance visit or at the renewal visit:

- Application
- Attestation statement regarding convictions or arrests
- Proof of TB screening
- If applicable, water test
- If applicable, statement from design professional
- If applicable, approval by the local fire inspector
- CPR, 1<sup>st</sup> Aid, and Universal Precautions

BCC shall check all children's and staff files at the renewal visit. Following the document review, an announced, on-site compliance visit shall be conducted prior to making a recommendation on the application.

▲ Threshold of compliance:

The COFC shall thoroughly review the application and accompanying materials. An on-site compliance visit should also be completed. If the application is incomplete, the missing materials should be noted on the Plan of Improvement. The length of time to make corrections will be directly related to the risk to children

**UPDATE #3 – Page 14**

■ **470 IAC 3-1.1-29.5 License provisions**

Authority: IC 12-13-5-3

Affected: IC 12-17.2-5-12

◆ Intent:

To ensure the safety of children being cared for in multiple child care homes under the same roof. To help explain the requirements for a firewall as defined by State Fire and Building Codes.

○ Assessment Method:

Review the notarized, completed Design Professional Statement for completion and consistency for what was observed in the home.

▲ Threshold of Compliance:

There must be a 2 hour firewall between the licensed homes. The firewall must go 30 inches above the roof line or in lieu of going through the roof, there can be a 1 hour fire rating on the underside of the roof that extends 4 feet on both sides of the wall.

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**UPDATE #4 – Page 26**

■ **470 IAC 3-1.1-39 Swimming**

Authority: IC 12-13-5-3

Affected: IC 12-17.2

♦ Intent:

To prevent accidental drowning and illness or infections that result from poor sanitary practices. Swimming and wading pools are a frequent cause of childhood injuries and deaths. Constant, intensive supervision is necessary for children in the pool; therefore a caregiver can not also supervise children who are not in the pool. When not in use all pools must be absolutely inaccessible to the children. According to State Department of Health rules, wading pools without a filter or circulating water flow are not permitted in child care.

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**UPDATE #5 – Page 30-31**

■ **470 IAC 3-1.1-45 General environment**

Authority: IC 12-13-5-3

Affected: IC 12-17.2

■ (b) The licensee shall identify areas in the home that will be used for child care. The child care areas shall contain adequate space for child play and rest for the number of children in care.

♦ Intent:

To ensure that the children have room to move freely, to play and rest as well as to ensure that no conditions exist in other areas that are accessible to children that may be a risk to children's safety.

○ Assessment Method:

Provider shall sign Child Care Area form identifying designated child care areas and areas that are inaccessible to children and not used for child care. Provider shall report any changes to BCC. Observe the space designated for child care. Ensure that the space allows for children to move and play without interfering with the activities of the other children. Consultants will inspect all designated child care areas to determine overall regulation compliance. Consultants will view areas that are accessible to children but not designated as child care areas. Viewed means that inspector is visually observing the area for imminent, easily accessible danger to children. This may include, but is not limited to: medications, chemicals, sharp objects, choking hazards, ammunition/firearms.

Any area that is inaccessible to children as determined by using the reasonable person standard will not be viewed or inspected unless:

- a complaint has been received regarding that area
- children are heard within that area, or
- there is reason to believe that children are in the area, or

- there is reason to believe that something dangerous and harmful to children is in the area.

Areas that are inaccessible may still need to be entered in cases where a regulatory item is located– ex. Locked firearms/ammunition, required smoke detectors, required fire extinguisher, etc.

Inaccessible means that something is in place to physically prohibit a child from opening and entering the area. Gates that can be climbed over by young children will not be considered as ensuring an area is inaccessible to children. Any area behind a gate that can be climbed over by children will be inspected. For example, if there is a gate placed at the bottom of the stairs, but a child can climb over it, the inspector will need to go beyond the gate to ensure the other areas beyond the gate are not accessible.

**UPDATE #6 – Page 31-32**

■ **470 IAC 3-1.1-45 General environment**

Authority: IC 12-13-5-3

Affected: IC 12-17.2

○ Assessment Method:

Observe the kitchen to determine if required equipment is present. Check the sink to determine if hot and cold water is available. Toilets and sinks must be hard, plumbed fixtures.

**UPDATE #7– Page 37**

■ **470 IAC 3-1.1-47 Sanitation**

Authority: IC 12-13-5-3

Affected: IC 12-17.2

○ Assessment Method:

Observe to determine that there is bathroom on each floor used for child care. Observe to determine that the home has hot and cold running water. Toilets and sinks must be hard, plumbed fixtures. Take the temperature of the hot water to ensure that it is between 100°F and 120°F. Interview the caregiver to determine the source of the water. If it is other than a municipal water supply, review documentation of annual water tests. If the home's well serves more than 25 people it is considered a public water system by the Department of Environmental Management (IDEM) and must follow IDEM's rules for public water systems.

**UPDATE #8 -Page 45**

■ **IC 12-17.2-5-3.5**

**Drug testing**

○ Assessment Method:

Review drug testing documentation for all caregivers and adult household members. The Licensed Home Substance Abuse Screening Test Consent Form shall be in each staff file along with a copy of the drug test results. Licensees shall follow the 7/1/2003 established Licensed Child Care Home Drug Testing Guidelines. Drug test results shall be reviewed

and signed by a Medical Review Officer (MRO) and the chain of custody shall be followed as outlined in the Guidelines. Electronic signatures are acceptable.

Drug test results can be transferred to another site as long as the licensee remains the same. For initial applications, drug tests are good for 60 days prior to application received date. Drug test results can be transferred when a provider moves from active LLEP status to licensed status and vice versa.

<b>UPDATE #9 – Page 48</b>
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■ **IC 12-17.2-5-6.3**

**Class I child care home**

○ Assessment Method:

Determine by a review of documentation. Documentation shall include a copy of a high school diploma or equivalency certificate, and a copy of a CDA certificate or an Education Commitment Form. The Education Commitment Form is only valid for 3 years. Documentation can also include proof that the licensee/applicant has completed 12 credit hours in early childhood education or a related field from an accredited university or college with a “C” or better. A transcript must be provided to the Bureau for review and approval of the classes.